

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2008 JAN -4 A 11:30

U.S. DISTRICT COURT  
DISTRICT OF MASS.

TIMOTHY DYKENS,  
Petitioner,

v.

CIVIL ACTION

PETER ALLEN,  
Respondent,

NO. 04-10544-NMG

PETITIONERS AFFIDAVIT IN SUPPORT  
MOTION FOR LEAVE FOR STAY TO  
FILE C.O.A. LATE UPON MOTION  
FOR RECONSIDERATION, 60b DECISION

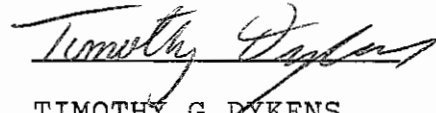
Now comes the Petitioner and by way of Affidavit states as follows:

1. My name is Timothy Dykens, I am currently housed at MCI Cedar Junction in Walpole Massachusetts.
2. That i did receive the final decision from Judge Nathaniel M. Gorton dated November 29, 2007 on December 9, 2007.
3. That in my rush to preserve my right of appeal I did file my notice of appeal that same day.
4. That I believe the respondents committed a mistake or even misrepresented issue's to the court in the area of failure to exhaust.
5. And that if the Court grant his Motion he will bring forth to the Court case law by the 1<sup>st</sup> Circuit Court to

back up my claims that the remedies were exhausted and that there was a misrepresentation of the law by the Respondents.

6. Petitioner does remind the court that he never did graduate High School, He joined the service instead. He does not have four years of College, nor does he have three years of Law School on top of College, to prepare himself to litigate for his freedom the way that the respondent does. And he does beg this honorable Court to consider that when they rule on his motion.

DATED : 28 December 2007

A handwritten signature in cursive script, appearing to read "Timothy Dykens", written over a horizontal line.

TIMOTHY G. DYKENS

PO BOX 100

MCI CEDAR JUNCTION

S.WALPOLE MA 02071